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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Timothy F. Cox

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7590

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EXAMINER

WILSON, ROBERT W

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 04/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/849,023	<b>Applicant(s)</b> <sup>AK</sup> COX ET AL.	
	<b>Examiner</b> Robert W Wilson	<b>Art Unit</b> 2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9,10,16-20 and 25-39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9,10,16-20 and 25-39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.



#### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 10/13/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

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***Claim Rejections - 35 USC § 103***

1.0 Claims 1, 2, 16, 25-26, 30-31, & 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (U.S. Patent No.: 6,775,256)

Referring to claim 1, Hill teaches: A scheduler (231 per Fig 1) that determines a candidate set of packets to be transmitted at a power level per Abstract or col. 2 line 56-col. 3 line 29 or Fig 2 or per col. 3 line 52-col. 4 line 56 (Method)

The power transmission requirement is calculated for each terminal (user) per abstract or col. 4 lines 45-56 (a.) establishing)

Each terminal has a queue of packets per col. 5 lines 1-52 which are received from other terminals (users) (b.) receiving)

The applicant does not define “composite burst” in the claims. A set of packets is selected for the candidate set which the examiner interprets as “composite burst” per col. 6 line 1-col. 7 line 20 which does not exceed the transmission power (c.) selecting)

The scheduled candidate set (composite burst) is transmitted with the calculated power per Fig 3 or per col. 4 line 58-col. 7 line 20 (d). transmitting)

The reference does not expressly call for: repeating step C) until all data packets in the queue have been transmitted but teaches that packets are added and dropped based upon power calculations per col. 6 line 32-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention iterations would continue until all data packets in the queue have been transmitted in order for the invention to work.

Referring to claim 2, Hill teaches the method of claim 1,

Hill does not expressly call for: wherein step a) includes determining a signal to noise ration in the transmission link to each user whereby requisite power can be determined for a desired level of data reception but teaches, the power of the candidate set or signal is determined with regard to interference or noise which is to be transmitted to a specific target (signal to noise ratio) per col. 5 line 1-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the power of the candidate set or signal is determined with regard to interference or noise which is to be transmitted to a specific target (signal to noise ratio) performs the same function as includes determining a signal to noise ration in the transmission link to each user whereby requisite power can be determined for a desired level of data reception

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Referring to claim 16, The claim limitations do not define “simultaneously transmitting” ; consequently, the examiner has treated simultaneously transmitting” as an intended use. Hill teaches a scheduler (231 per Fig 1) (apparatus) which selected a candidate data set of packets (selected set) to be transmitted at a limited power level per Abstract or co. 2 line 56-col. 3 line 29 or Fig 2 or per col. 3 line 52-col. 4 line 56

The reference teaches a Queue per col. 5 lines 1-5 (memory) for receiving packets from the terminals (207-213 per Fig 2) (users) (a.) memory)

The scheduler (235 per Fig 2) determines the signal power based upon Interference (noise) based upon QoS which results in setting a signal to noise ratio per col. 5 lines 1-16 (b) power determining means)

230 per Fig 2 means for selecting the candidate set (composite burst) (packet selection means). Packets are removed from the candidate set (composite burst)

The reference does not expressly call for: delaying means but teaches that the packets are removed from the composite set per col. 6 line 1-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that removing the packets from the candidate set (composite burst) which are resent on another iteration in order for the invention to work results in the packets being delayed (delaying means)

Referring to claim 25, Hill teaches: The reference does not define “simultaneously transmitting” in the claim limitations consequently the examiner has treated simultaneously transmitting” as an intended use. A scheduler (231 per Fig 1) that determines a candidate set of packets to be transmitted at a power level per Abstract or co. 2 line 56-col. 3 line 29 or Fig 2 or per col. 3 line 52-col. 4 line 56 (Method)

The power transmission requirement is calculated for each terminal (user) per abstract or col. 4 lines 45-56 (a.) establishing)

The applicant does not define “composite burst” in the claims. Each terminal has a queue of packets per col. 5 lines 1-52 which are received from other terminals (users). The scheduler calculates the power in order to determine a candidate set which results in the candidate set (composite burst) being power scaled upon transmission (b.) receiving)

A set of packets is selected for the candidate set which the examiner interprets as “composite burst” per col. 6 line 1-col. 7 line 20 which does not exceed the transmission power (c.) grouping)

The scheduled candidate set (composite burst) is transmitted with the calculated power (limited transmission power) per Fig 3 or per col. 4 line 58-col. 7 line 20 (d). transmitting)

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The reference does not expressly call for: repeating step C & D) until all data packets in the queue have been transmitted but teaches that packets are added and dropped based upon power calculations per col. 6 line 32-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention iterations would continue until all data packets in the queue have been transmitted in order for the invention to work.

Referring to claim 26, Hill teaches: the method as defined by claim 25,

Hill does not expressly call for: wherein step a) includes determining a signal to noise ratio in the transmission link to each user whereby requisite power can be determined for the desired level of data reception but teaches the power of the candidate set or signal is determined with regard to interference or noise which is to be transmitted to a specific target (signal to noise ratio) for a desired level of reception per col. 5 line 1-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that the power of the candidate set or signal is determined with regard to interference or noise which is to be transmitted to a specific target (signal to noise ratio) for a desired level of reception performs the same function as includes determining a signal to noise ratio in the transmission link to each user whereby requisite power can be determined for the desired level of data reception.

Referring to claim 30, Hill teaches: the method as defined by claim 25,

Hill does not expressly call for: wherein each packet is directly spread by a separate orthogonal code sequence for simultaneous multiple access but Hill teaches: CDMA per col. 3 line 45-col.4 line 45.

It is within the level of one skilled in the art at the time of the invention to adjust parameters; consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separate orthogonal code to each packet in order to send the packet to a different destination address.

Referring to claim 31, Hill teaches: the method as defined by claim 25,

Hill does not expressly call for: wherein each packet is assigned to a different carrier frequency for simultaneous multiple access transmission but Hill teaches CDMA per col. 3 line 45-col.4 line 45.

It is within the level of one skilled in the art at the time of the invention to adjust parameters; consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide assign a different carrier frequency for simultaneous multiple access transmission in order to send the packet to a different destination address.

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Referring to claim 35, The reference does not define “simultaneously transmitting” in the claim limitations consequently the examiner has treated simultaneously transmitting” as an intended use. Hill teaches a scheduler (231 per Fig 1) (apparatus) which selected a candidate data set of packets (selected set) to be transmitted at a limited power level per Abstract or co. 2 line 56-col. 3 line 29 or Fig 2 or per col. 3 line 52-col. 4 line 56

The reference teaches a Queue per col. 5 lines 1-5 (memory) for receiving packets from the terminals (207-213 per Fig 2) (one or more users) (a.) memory)

The scheduler (235 per Fig 2) determines the signal power based upon Interference (noise) based upon QoS which results in setting a signal to noise ratio for transmission to a terminal (user) per col. 5 lines 1-16 (b) power determining means)

230 per Fig 2 means for selecting the candidate set (composite burst) (selection means). Packets are removed from the candidate set (composite burst) which are not within the power requirements.

The reference does not expressly call for: delaying means but teaches that the packets are removed from the composite set per col. 6 line 1-col. 7 line 20.

It would have been obvious to one of ordinary skill in the art at the time of the invention that removing the packets from the candidate set (composite burst) which are resent on another iteration in order for the invention to work results in the packets being delayed (delaying means)

2.0 Claims 3-7, 9-10, 17-20, 27-29, 32-34, 36 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hill (U.S. Patent No.: 6,775,256) in view of Ruszczyk (U.S. Patent No: 6,205,150)

Referring to claim 3, Hill teaches the method of claim 2 but does not expressly call for: giving priority to delayed packets but teaches QoS per col. 5 lines 1-5

Ruszczyk teaches: packet priority based upon QoS per col. 3 lines 19-24 and QoS based upon delay per col. 2 lines 38-39

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the scheduler of Ruszczyk to the method of Hill in order to build a system which can prioritize based upon arrival time.

Referring to claim 4, The combination of Hill, and Ruszczyk teach: the method as defined by claim 3,

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The combination of Hill and Ruszyck do not expressly call for: assigning a priority based upon weight of users based upon QoS subscribed by the user but the combination teaches priority based upon delay

The applicant broadly claims "priority based upon user". Ruszyck teaches: customers or users based upon QoS per col. 3 lines 29-31 and weight for scheuling based upon priorirty per col. 5 lines 38-60

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability of the scheduler of Ruszyck to the scheduler of the combination of Hill and Ruszyck in order to prioritize customers or users based upon QoS.

Referring to claim 5, The combination of Hill, and Ruszyck teach: the method as defined by claim 4,

The combination of Hill and Ruszyck do not expressly call for: assigning a priority based upon priority weight of users based upon explicit prioritization but the combination teaches priority based upon users

The applicant broadly claims "explicit priority based upon user". Ruszyck teaches priority of a packet per col. 3 lines 19-24 which examiner has interpreted as "explicit priority"

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability of the scheduler of Ruszyck to the scheduler of the combination of Hill and Ruszyck in order to prioritize multiple parameters based upon QoS.

Referring to claim 6, the combination of Hill and Ruszyck: the method as defined by claim 4,

The combination of Hill and Ruszyck not expressly call for: wherein each packet is directly spread by a separate orthogonal code sequence for simultaneous multiple access but Hill teaches: CDMA per col. 3 line 45-col.4 line 45.

It is within the level of one skilled in the art at the time of the invention to adjust parameters; consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a separate orthogonal code to each packet in order to send the packet to a different destination address.

Referring to claim 7, the combination of Hill, Ruszyck teach: the method as defined by claim 4,

The combination of Hill and Ruszyck does not expressly call for: wherein each packet is assigned to a different carrier frequency for simultaneous multiple access transmission but Hill teaches: CDMA per col. 3 line 45-col.4 line 45.

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It is within the level of one skilled in the art at the time of the invention to adjust parameters; consequently, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide assign a different carrier frequency for simultaneous multiple access transmission in order to send the packet to a different destination address.

Referring to claim 9, Hill teaches the method of claim 1 but does not expressly call for: giving priority to delayed packets but teaches QoS and arrival time per col. 5 lines 1-5

Ruszczyk teaches: packet priority based upon QoS per col. 3 lines 19-24 and QoS based upon delay per col. 2 lines 38-39

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the scheduler of Ruszczyk to the method of Hill in order to build a system which can prioritize based upon arrival time.

Referring to claim 10, Hill teaches: the method as defined by claim 1,

The Hill does not expressly call for: assigning a priority based upon weight of users based upon QoS subscribed by the user but the combination teaches priority based upon delay

The applicant broadly claims "priority based upon user". Ruszczyk teaches: customers or users based upon QoS per col. 3 lines 29-31 and weight for scheduling based upon priority per col. 5 lines 38-60

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability of the scheduler of Ruszczyk to the scheduler of Hill in order to prioritize customer or users based upon QoS.

Referring to claim 17, Hill teaches the apparatus of claim 16 but does not expressly call for: giving priority to delayed packets but teaches QoS and arrival time per col. 5 lines 1-5

Ruszczyk teaches: packet priority based upon QoS per col. 3 lines 19-24 and QoS based upon delay per col. 2 lines 38-39 (selection means)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the selection means of Ruszczyk to the apparatus of Hill in order to build a system which can prioritize based upon arrival time.

Referring to claim 18, Hill teaches the apparatus as defined by claim 16,

Hill does not expressly call for: wherein the selection means gives priority in selection to users based on quality of service but teaches priority



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The applicant broadly claims "priority based upon user". Ruszyck teaches: customers or users based upon QoS per col. 3 lines 29-31 and weight for scheduling based upon priority per col. 5 lines 38-60 (selection means)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add selection means of Ruszyck to the apparatus of Hill in order to weight the prioritization customers or users based upon QoS.

Referring to claim 19, Hill teaches: Apparatus as defined by claim 16

Hill does not expressly call for: wherein the selection means give priority in selection to preassigned explicit priority packets but teaches priority based upon users

The applicant broadly claims "explicit priority based upon user". Ruszyck teaches priority of a packet per col. 3 lines 19-24 which examiner has interpreted as "explicit priority"

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the apparatus of Ruszyck which can prioritize packets to the apparatus of Hill in order to prioritize packets based upon "explicit priority".

Referring to claim 20, Hill teaches: Apparatus as defined by claim 16

Hill does not expressly call for: wherein the selection means give pr priority in selection to delayed data packets, quality of service subscribed by each user, and explicit priority of packets

The applicant broadly claims "explicit priority based upon user". Ruszyck teaches: scheduling in multiple queues per Fig 2 based upon delay col. 2 lines 38-39 and packet priority based per co. 3 lines 19-24 (means to schedule)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the apparatus of Ruszyck which provides the means to prioritize packets in multiple queues to the apparatus of Hill in order to prioritize packets in multiple queues.

Referring to claim 27, Hill teaches the method defined by claim 25.

Hill does not expressly call for: wherein step c) includes identifying transmission burst which have been delayed in transmissison and prioritizing the transmission bursts based upon the delays but teaches QoS per col. 5 lines 1-5

Ruszczyk teaches: packet or burst priority based upon QoS per col. 3 lines 19-24 and QoS based upon delay per col. 2 lines 38-39

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add the scheduler of Ruszczyk to the method of Hill in order to build a system which can prioritize based upon arrival time.

Referring to claim 28, Hill teaches the method defined by claim 25.

Hill does not expressly call for: wherein step c) includes assigning a priority weight to each transmission burst based on quality of service subscribed by the user of the respective data packet but teaches packet or burst priority

The applicant broadly claims "priority based upon user". Ruszyck teaches: customers or users based upon QoS per col. 3 lines 29-31 and weight for scheduling based upon priority per col. 5 lines 38-60

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability of the scheduler of Ruszyck to the scheduler of Hill in order to prioritize customers or users based upon QoS.

Referring to claim 29, Hill teaches the method defined by claim 25.

Hill does not expressly call for: wherein step c) further includes assigning a priority weight to each transmission burst based on a priority assigning to the respective data packet.

The applicant broadly claims "priority of a burst". Ruszyck teaches priority of a packet or burst per col. 3 lines 19-24.

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the ability of the scheduler of Ruszyck to the scheduler of Hill in order to prioritize a bursts.

Referring to claim 32, Hill teaches the method defined by claim 25.

Hill does not expressly call for: wherein step c) further includes identifying the number of delays for each data packet which has been delayed in transmission , and assigning the highest priority to the transmission bursts with the highest number of delays

Ruszyck teaches priority of a packet or burst per col. 3 lines 19-24 based upon delay col. 2 lines 38-39

It would have been obvious to one of ordinary skill in the art at the time of the invention to count the number of delays associated with a packet and prioritize that packet higher than another packet or burst in order to prioritize delay.

Referring to claim 33, Hill teaches the method defined by claim 25.

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The applicant does not expressly define the meaning of “economic value of a packet” in the claim limitation. Hill does not expressly call for: wherein step c) includes assigning a priority to transmission bursts based on an economic value assigned to the respective packet

Ruszyck teaches: assigning priority to a packet or burst based upon QoS per col. 3 lines 19-24

It is within the level of one skilled in the art at the time of the invention to adjust parameters or to prioritize packets based upon QoS which the examiner is interpreting as an prioritizing packets based upon QoS or “economic value”.

Referring to claim 34, Hill teaches the method defined by claim 25.

Hill does not expressly call for: wherein step c) further includes assigning a priority to weight to each transmission burst based on quality of service subscribed by the user of the respective data packet, on a priority assigned to the respective data packet and the number of times the respective data packet has been delayed.

Ruszyck teaches priority of a packet or burst per col. 3 lines 19-24 based upon delay col. 2 lines 38-39 as well as customer or user QoS per col. 3 lines 29-31 as well as weighting based upon priority per col. 5 lines 38-60

It would have been obvious to one of ordinary skill in the art at the time of the invention add the scheduler of Ruszyck to the method of Hill in order to build a scheduler which prioritizes multiple queues based upon QoS.

Referring to claim 36, Hill teaches the apparatus of claim 35 but does not expressly call for: giving priority to delayed packets but teaches QoS and arrival time per col. 5 lines 1-5

Ruszczyk teaches: packet priority based upon QoS per col. 3 lines 19-24 and QoS based upon delay per col. 2 lines 38-39 (selection means)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the selection means of Ruszczyk to the apparatus of Hill in order to build a system which can prioritize based upon arrival time.

Referring to claim 37, Hill teaches the apparatus as defined by claim 35,

Hill does not expressly call for: wherein the selection means gives priority in selection to users based on quality of service but teaches priority

The applicant broadly claims “priority based upon user”. Ruszyck teaches: customers or users based upon QoS per col. 3 lines 29-31 and weight for scheduling based upon priority per col. 5 lines 38-60 (selection means)

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It would have been obvious to one of ordinary skill in the art at the time of the invention to add selection means of Ruszyck to the apparatus of Hill in order to weight the prioritization customers or users based upon QoS.

Referring to claim 38, Hill teaches: Apparatus as defined by claim 35

Hill does not expressly call for: wherein the selection means give priority in selection to preassigned explicit priority packets but teaches priority based upon users

The applicant broadly claims "explicit priority based upon user". Ruszyck teaches priority of a packet per col. 3 lines 19-24 which examiner has interpreted as "explicit priority"

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the apparatus of Ruszyck which can prioritize packets to the apparatus of Hill in order to prioritize packets based upon "explicit priority".

Referring to claim 39, Hill teaches: Apparatus as defined by claim 35

Hill does not expressly call for: wherein the selection means give pr priority in selection to delayed data packets, quality of service subscribed by each user, and explicit priority of packets

The applicant broadly claims "explicit priority based upon user". Ruszyck teaches: scheduling in multiple queues per Fig 2 based upon delay col. 2 lines 38-39 and packet priority based per co. 3 lines 19-24 (means to schedule)

It would have been obvious to one of ordinary skill in the art at the time of the invention to add the apparatus of Ruszyck which provides the means to prioritize packets in multiple queues to the apparatus of Hill in order to prioritize packets in multiple queues.

### ***Claim Rejections - 35 USC § 112***

3.0 The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4.0 Claims 26, 31-34 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant

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art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

The specification provides inadequate written description for the following claim limitations:

“requisite power ...desired level of reception” as claimed in claim 26.

“transmission burst assigned a different carrier frequency” as claimed in claim 31.

“identifying delays and assigning high priority” as claimed in claim 32.

“economic value” as claimed in claim 33.

“weighted on the number of times delayed” as claimed in claim 34.

### ***Claim Rejections - 35 USC § 112***

5.0 The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6.0 Claims 4, 10, 28, 34, 37, 39 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

What is meant by the following claim limitations:

“a priority weight to a user” as claimed in claims 4, 10, 28, 34, 37, & 39. Does the applicant mean a different priority weight to packet whose end destination is a user?

### ***Response to Amendment***

7.0 Applicant's arguments with respect to claim s 1-7, 9-10, 16-20, & 25-39 have been considered but are moot in view of the new ground(s) of rejection. Refer to the rejection above for details.

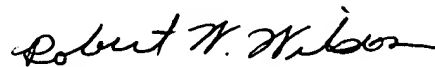
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***Conclusion***

8.0 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert W Wilson whose telephone number is 571/272-3075. The examiner can normally be reached on M-F (8:00-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen can be reached on 571/272-3126. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Robert W Wilson  
Examiner  
Art Unit 2661

RWW  
4/13/05



PHIRIN SAM  
PRIMARY EXAMINER